

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 564

HOUSE BILL NO. 250

**By Representatives Carr, Matheny, Shipley, Evans, Lynn, Maggart, Rich,
Weaver, Lollar, Hill**

Substituted for: Senate Bill No. 38

By Senators Tracy, Ketron, Faulk, Yager, Bunch, Burks

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 15, Part 4 and Title 57, relative to underage drinking and possession of alcoholic beverages and beer.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-15-404(a), is amended by adding the following language as a new, appropriately designated subdivision:

(3)

(A) As used in this subdivision (a)(3), "underage adult" means a person who is at least eighteen (18) years of age but less than twenty-one (21) years of age.

(B) It is an offense for any owner, occupant, or other person having a lawful right to the exclusive use and enjoyment of property to knowingly allow a person to consume alcoholic beverages, wine or beer on such property, provided the owner, occupant, or other person knows that at the time of the offense the person consuming is an underage adult.

(C) It is an affirmative defense to prosecution under subdivision (a)(3)(B) that the defendant acted upon a reasonably held belief that the underage adult was twenty-one (21) years of age or older.

(D) Subdivision (a)(3)(B) does not apply to consumption or possession of a de minimis quantity of alcohol or wine by an underage adult as permitted by § 1-3-113(b)(2).

(E) Nothing in this subdivision (a)(3)(B) shall be construed, in any way whatsoever, to affect:

(i) Standards for imposing civil liability on social hosts pursuant to § 57-10-101;

(ii) Standards, established pursuant to § 37-1-156(a), for imposing criminal liability on adults who contribute or encourage

the delinquency or unruly behavior of a child, as defined in § 37-1-102(b)(4); or

(iii) Standards, established pursuant to § 39-11-404, for imposing criminal liability on corporations.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.

PASSED: June 16, 2009


KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES


RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 1st day of July 2009


PHIL BREDESEN, GOVERNOR